



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

P.O. Box 2286
3139 Oxford Street
Halifax, N.S.
B3J 3E1

Ms. Amy Graves
[REDACTED]
[REDACTED]
[REDACTED]

Your File - Votre référence

Our File - Notre référence

2011-1304228

Date

March 27, 2012

Dear Ms. Graves,

This is further to a letter forwarded to you from this office on December 15, 2011, and this will also serve as final correspondence to you in relation to your public complaint against members of the Kings District RCMP which you initiated through the Commission for Public Complaints on September 16, 2011.

Your complaint consists of the following:

[REDACTED] for :

1) *Failing to Lodge a Public Complaint on your behalf, contrary to paragraph 45.35(1)(b) of the RCMP Act.*

Other members of the Kings District RCMP for:

1) *Failing to take appropriate action involving young persons consuming alcohol and illicit drugs at a house party.*

Corporals [REDACTED] and [REDACTED], Constables [REDACTED] and [REDACTED], for:

1) *Failing to safeguard the personal effects of Josh Graves, and*
2) *Failing to conduct a thorough investigation into the circumstances leading to the death of Josh Graves.*

I wish to advise you that Corporal M.T. O'Callaghan has completed his investigation of your complaints. During the course of his investigation, Corporal O'Callaghan reviewed the investigative file that gave cause to your complaint, and interviewed Corporal [REDACTED], Karen Graves, Mike Graves, and yourself. Corporal [REDACTED], Corporal [REDACTED], Constables [REDACTED] and [REDACTED] did not provide a statement but rather, are letting their documented accounts contained on the investigative file speak with respect to their actions. With respect to your allegation regarding Corporal [REDACTED], you were interviewed by Corporal

Canada

O'Callaghan on November 14, 2011. During the interview you advised that you spoke via telephone with Corporal [REDACTED] during the first week of September, 2011 and advised him that you were not satisfied with the investigation conducted by Kings District RCMP into the death of your brother, Josh Graves. When asked by Corporal O'Callaghan if Corporal [REDACTED] refused to take your complaint, you stated " He, never, he just never told me he could file a complaint on my behalf." Furthermore, you informed Corporal O'Callaghan that you would be following up with a complaint, to which he responded "fine".

On December 7, 2011, Corporal [REDACTED] provided a statement to Corporal O'Callaghan, during which time he indicated that he had a telephone conversation with you on September 6, 2011. Corporal [REDACTED] recalls that during the telephone conversation, you expressed your dissatisfaction concerning the investigation into your brother's death and wanted to know why criminal charges had not been laid. Corporal [REDACTED] stated that he informed you that he personally reviewed the general report prepared by the lead investigator and advised that there was no evidence to proceed with criminal charges and the matter was complete. Corporal [REDACTED] indicates he then informed you of the process in place to lodge a formal complaint with the Commission for Public Complaints (CPC) and further provided you with the toll free number for the CPC and that someone there could assist you if you were not happy with the outcome of the Kings District RCMP criminal investigation. It was Corporal [REDACTED]'s belief at the time of your telephone conversation, that you did not express your desire to lodge a public complaint with him and that the focus of your conversation surrounded your dissatisfaction with the Kings District RCMP investigation surrounding your brother's death. Based upon the statements provided by both Corporal [REDACTED] and yourself, it is apparent that you do not recall informing Corporal [REDACTED] that you wished to initiate a complaint directly to him and it was his belief that he exercised due diligence in providing you with information concerning the process of filing a complaint through the CPC, along with a telephone number for their office. Based upon this information which was gleaned during Corporal O'Callaghan's investigation, the allegation that against Corporal [REDACTED] for : *Failing to Lodge a Public Complaint on your behalf, contrary to paragraph 45.35(1)(b) of the RCMP Act*, is unsupported.

Concerning your allegation regarding other members of Kings District RCMP failing to take appropriate action involving young persons consuming alcohol and illicit drugs at a house party. Corporal O'Callaghan conducted a thorough review of the police investigative files which were in relation to two complaints received by the Kings District RCMP. One of the complaints involved a fight in progress outside a residence, the second was a complaint concerning a loud party. Neither if the complaints made any reference to illegal drugs. Upon arriving at the scene, the investigating officer did not observe any individuals fighting, nor did the investigator observe any suspicious activity in the area or hear any loud noise. The investigator continued his investigation by speaking with the tenant in relation to these complaints. Based upon the investigator's conversation with the tenant and his observations, no reasonable and probable grounds existed for the investigator to enter the residence without a warrant, nor did the investigator have any grounds to obtain a warrant authorized by a Justice of the Peace or Judge which would authorize entry into a residence. The individuals who made these specifics complaints to police were properly updated following the investigation and informed by the investigator that the landlord of the building would be briefed with regards to the nature of the complaints. Based upon Corporal O'Callaghan's investigation, the allegation against other members of the Kings District RCMP for: *Failing to take appropriate action involving young persons consuming alcohol and illicit drugs at a house party*, is unsupported.

In regards to your allegation with respect to Corporals [REDACTED] and [REDACTED], Constables [REDACTED] and [REDACTED], for: Failing to safeguard the personal effects of Josh Graves. Mr. Graves was found by RCMP members deceased at a location other than his own residence and other than where we learned he had consumed drugs and alcohol. The responding members, including supervisors consulted with the Medical Examiner, and came to determine at that time that the death was not criminal or suspicious in nature. Based upon the information and circumstances presented to members at the time, there was no evidentiary value in securing the location or Mr. Graves' personal effects beyond the period that they did. The police investigation, at that point in time, became one of assistance to the Medical Examiner's Office. Some of Mr. Graves' effects accompanied his body to the Medical Examiner's office, and the other items were turned over to Mr. Graves' immediate family. Based upon the circumstances known to police at the time, including their consultation with the Medical Examiner, the disposition of Mr. Graves' personal effects was prudent and reasonable. Therefore, the allegation concerning Corporals [REDACTED] and [REDACTED], Constables [REDACTED] and [REDACTED], for: Failing to safeguard the personal effects of Josh Graves, is unsupported.

With respect to your allegation regarding Corporals [REDACTED] and [REDACTED], and Constables [REDACTED] and [REDACTED], for: Failing to conduct a thorough investigation into the circumstances leading to the death of Josh Graves. I have thoroughly reviewed the investigation conducted by Corporal O'Callaghan and the police investigative file documenting the actions of the investigative members and supervisors who reviewed the file and also participated in the investigation. As stated above, the responding investigators and supervisors, following consultation with the Medical Examiner, initially determined the investigation was not suspicious or criminal in nature. Several individuals were spoken to by investigators and two individuals provided statements. Investigators and supervisors attached to the investigation concluded that Mr. Graves' death was most likely the result of willingly ingesting a combination of drugs and alcohol at a location other than where he died. Investigators did not believe further interviews would provide any viable evidence which would assist in pursuing charges under the Controlled Drugs and Substances Act relating to drug trafficking, or any other criminal act. Based upon your perseverance and efforts in pursuing this matter, a subsequent criminal investigation was conducted by RCMP Corporal Scott MacMillan, and as you are aware, charges under both the Criminal Code and Controlled Drugs and Substances Act have been laid against an individual in relation to your brother's death. The RCMP believe that the public awareness you have created in regards to this matter and prescription drug abuse in general has been a significant contributing factor in obtaining the evidence to proceed with charges. The RCMP now recognize that the original sudden death investigation should not have been concluded without exhausting all investigative avenues relating to the source of the drugs ingested by your brother. This matter has had a significant impact on the investigative manner in which Kings District RCMP will investigate future deaths involving drugs. Your allegation that Corporals [REDACTED] and [REDACTED], and Constables [REDACTED] and [REDACTED] failed to conduct a thorough investigation into the circumstances leading to the death of Josh Graves is supported. The RCMP sincerely apologizes for this.

Based upon these findings, Inspector Michael Payne, the Officer in Charge of Kings District has provided operational guidance to the involved investigators and supervisors, and they have been apprised on the investigational steps and methods to follow in future sudden death investigations to ensure all incidents of this nature are investigated to the fullest extent possible.

Inspector Payne has also met with the entire supervisory team within Kings District to confirm how sudden death investigations involving controlled drugs and substances are to be investigated to the fullest extent possible.

At a mutually agreeable time, Inspector Payne would again like to meet with you to personally discuss this matter.

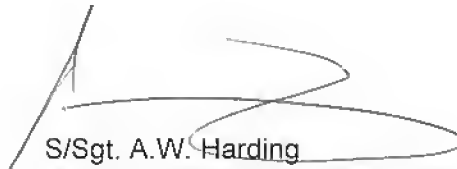
Please be advised that pursuant to Section 45.4 of the RCMP Act, I am notifying you that the investigation into this matter will be concluded by our office at this time. If you are not satisfied with the disposition of your complaint by the RCMP, you have the right to request a review by the Commission for Public Complaints against the RCMP. They can be reached at:

Commission for Public Complaints against the RCMP
Station "B"
Bag Service 1722
Ottawa, Ont.
K1P 0B3
1-800-267-6637
Fax 1-613-952-8045
www.cpc-cpp.gc.ca

Yours truly,



Sgt. G.D.A. VAIL
Professional Standards Unit
"H" Division



S/Sgt. A.W. Harding
NCO i/c Professional Standards Unit
"H" Division